

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**FGIC SETTLEMENT SUPPLEMENTAL SCHEDULING
AND TRIAL PROCEDURES ORDER**

The Court has set a hearing on the Debtors motion to approve a settlement with FGIC and others on August 16 and 19, 2013. *See Debtors' Motion Pursuant to Fed. R. Bankr. P. 9019 For Approval Of The Settlement Agreement Among The Debtors, FGIC, The FGIC Trustees And Certain Individual Investors*, [Docket No. 3929].

Monarch Alternative Capital LP ("Monarch") on behalf of certain advisory clients, Stonehill Capital Management LLC ("Stonehill") on behalf of certain advisory clients, and CQS ABS Master Fund Limited, CQS ABS Alpha Master Fund Limited (together, "CQS"), and Bayview Fund Management LLC ("Bayview", and together with Monarch, Stonehill, and CQS the "Investors"), Federal Home Loan Mortgage Corporation in conservatorship ("Freddie Mac"), and the Ad Hoc Group of Junior Secured Noteholders ("Ad Hoc Group", and together with the Investors, the "Objectors,") have stated their intention to object to the FGIC 9019 Motion. Therefore, the hearing on the motion is a contested matter under FED. R. BANKR. P. 9014.

On July 8, 2013, the Court entered a scheduling order establishing the schedule for discovery, pretrial submissions and the hearing in connection with the contested matter. *See Scheduling Order* [Docket No. 4168]. The Court now enters this *FGIC Settlement Supplemental*

Scheduling and Trial Procedures Order establishing further procedures with respect to the scheduled hearing on August 16 and 19, 2013.

The hearing on the motion shall be a “timed trial,” with the Proponents of the settlement (collectively) and the Objectors (collectively) each being allocated a total of six (6) hours to be used for all opening statements, witness examinations (including any direct, cross or re-direct examination), and closing arguments. Counsel for the Proponents and Objectors must coordinate the allocation of responsibility at trial and the use of time; trial time will not be extended.

Two copies of the pre-marked exhibits, assembled sequentially in notebooks and tabbed, or, if too voluminous, with each exhibit placed in a separate manila folder with number or letter visible on the lip, and the folder placed in a suitable container or box for ready reference, as well as the declarations of the direct testimony of all fact and expert witnesses, shall be delivered to the Court on or before 5:00 p.m., August 9, 2013. Proponents of the Settlement shall pre-mark all exhibits using numbers; Objectors shall pre-mark all exhibits using letters. One copy of the declarations of direct testimony of fact and expert witnesses, exhibit lists and one set of exhibits should be provided to each opposing counsel. Absent further Court order, no witnesses or exhibits that were not identified in response to the Scheduling Order (*see* Scheduling Order ¶¶ 6, 12) may be added to the witness or exhibit lists.

Counsel shall also provide the Court with a copy of any depositions which are intended to be offered into evidence, marked to show all designations and counter-designations and unresolved objections, if any. A copy of any transcript used for impeachment or refreshing recollection shall be provided to the Court and opposing counsel at the time transcript is used during trial.

Counsel is responsible for marking his or her own exhibits. Counsel must identify for the Court and opposing counsel, and give a copy to the witness, of each exhibit before using it at trial. All exhibits that will be shown to a witness should, if possible, be placed before the witness at the start of counsel's witness examination. Questions and arguments should be delivered from the lectern, but counsel may approach the witness without asking leave whenever it is necessary. And, if counsel is standing near the witness for the purpose of pointing out something on an exhibit, opposing counsel may also be present to observe first-hand what is being pointed out.

IT IS SO ORDERED.

Dated: July 26, 2013
New York, New York

Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge